

Ryan D. Yahne, Pro Hac Vice  
Benjamin J. McDonnell, Pro Hac Vice  
Piskel Yahne Kovarik, PLLC  
522 West Riverside Ave., Suite 700  
Spokane, WA 99201  
Telephone: (509) 321-5930  
Facsimile: (509) 321-5935  
Email: ryan@pyklawyers.com  
ben@pyklawyers.com

*Counsel for Northcon, Inc.*

Brian W. Boschee, Nevada Bar #7612  
Donna DiMaggio, Nevada Bar #9794  
Holley Driggs Walch Fine  
Wray Puzey & Thompson  
400 S. Fourth Street, 3<sup>rd</sup> Floor  
Las Vegas, Nevada 89101  
Telephone: (702) 791-0308  
Facsimile: (702) 791-1912  
Email: bboschee@nevadafirm.com  
ddimaggio@nevadafirm.com

*Local counsel for Northcon, Inc.*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, for the use  
and benefit of WELLS CARGO, INC.,

Plaintiff,

v.

ALPHA ENERGY AND ELECTRIC, INC., a  
Missouri corporation, and AMERICAN  
CONTRACTORS INDEMNITY COMPANY, a  
California corporation,

Defendants.

ALPHA ENERGY AND ELECTRIC, INC., a  
Missouri Corporation,

Third-Party Plaintiff,

Civil Action No. 2:18-cv-01182-JCM-DJA

**STIPULATION AND ORDER  
GOVERNING DISCOVERY [FRE 502(d)]**

1 v.

2 NORTHCON, INC., an Idaho Corporation;  
3 SOUTHWESTERN CONSTRUCTION, INC., a  
4 Utah corporation; DOES 1 through 10; and  
ROE corporations 1 through 10,

5 Third-Party Defendants.

6 AND ALL RELATED CASES.

7 Northcon, Inc. ("Northcon"), Alpha Energy and Electric, Inc. ("Alpha"), American  
8 Contractors Indemnity Company ("ACIC"), and Southwestern Construction, Inc.  
9 ("Southwestern") (collectively the "Parties"), by and through their undersigned counsel, hereby  
10 stipulate as follows:  
11

12 1. The production of privileged or work-product protected documents,  
13 electronically stored information, or information, whether inadvertently or otherwise, and  
14 whether pursuant to a parties' discovery request or informal production, should not be a waiver  
15 of the privilege or protection from discovery in this case or in any other federal or state  
16 proceeding, to the maximum extent allowed by Federal Rule of Evidence 502(d).  
17

18 2. Nothing contained in this stipulation is intended to or shall serve to limit a  
19 party's right to conduct a review of documents, ESI or information (including metadata) for  
20 relevance, responsiveness and/or segregation of privileged and/or protected information before  
21 production.  
22

23 3. When a producing party gives notice to receiving parties that certain documents,  
24 ESI, or information are subject to a claim of privilege or other protection, the obligations of the  
25 receiving parties are those set forth in Federal Rule of Civil Procedure 26(b)(5)(B).  
26

27 4. The Parties stipulate to entry of an order consistent with the foregoing.

28 SO STIPULATED.

1 Dated this 9<sup>th</sup> day of December 2019.

2 **PISKEL YAHNE KOVARIK, PLLC**

3 /s/ Benjamin J. McDonnell

4 Ryan D. Yahne, Esq., Pro Hac Vice  
5 Benjamin J. McDonnell, Esq., Pro Hac Vice  
6 522 West Riverside Ave., Suite 700  
7 Spokane, WA 99201  
8 Telephone: (509) 321-5930  
9 Facsimile: (509) 321-5935  
10 Email: ryan@pyklawyers.com  
11 ben@pyklawyers.com

12 Brian W. Boschee, Esq. (#7612)  
13 Donna DiMaggio, Esq. (#9794)  
14 HOLLEY, DRIGGS, WALCH, FINE,  
15 WRAY, PUZEY & THOMPSON  
16 400 S. Fourth Street, 3<sup>rd</sup> Floor  
17 Las Vegas, NV 89101  
18 Telephone: (702) 791-0308  
19 Facsimile: (702) 791-1912  
20 Email: bboschee@nevadafirm.com  
21 ddimaggio@nevadafirm.com

22 *Attorneys for Northcon, Inc.*

23 Dated this 15<sup>th</sup> day of October 2019.

24 **THE MEDRALA LAW FIRM, PLLC**

25 /s/ Approved for filing by Jakub P. Medrala

26 Jakub P. Medrala, Esq. (#12822)  
27 1091 S. Cimarron Road, #A-1  
28 Las Vegas, NV 89145  
Telephone: (702) 475-8884  
Facsimile: (702) 938-8652  
Email: jmedrala@medralaw.com

*Attorney for Alpha Energy and Electric, Inc.*

Dated this 15<sup>th</sup> day of October 2019.

**STRONG & HANNI**

/s/ Approved for filing by Michael D. Stanger

Michael D. Stanger, Esq. (#8272)  
102 South 200 East, Suite 800  
Salt Lake City, UT 84111  
Telephone: (801) 532-7080  
Facsimile: (801) 596-1508  
Email: mstanger@strongandhanni.com

**SMITH LARSEN & WIXOM**

1935 Village Center Circle  
Las Vegas, NV 89134  
Telephone: (702) 252-5002  
Facsimile: (702) 252-5006  
Email: cag@slwlaw.com

*Attorneys for Southwestern Construction*

Dated this 7<sup>th</sup> day of November 2019.

**THE FAUX LAW GROUP**

/s/ Approved for filing by Jordan F. Faux


Kurt C. Faux, Esq. (#003407)  
Willi H. Siepmann, Esq. (#002478)  
Jordan F. Faux, Esq. (#12205)  
2625 N. Green Valley Parkway, #100  
Henderson, NV 89014  
Telephone: (702) 458-5790  
Facsimile: (702) 458-5794  
Email: kfaux@fauxlaw.com  
wsiepmann@fauxlaw.com  
jfaux@fauxlaw.com

*Attorneys for ACIC*

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1. The production of privileged or work-product protected documents, electronically stored information, or information, whether inadvertently or otherwise, and whether pursuant to a parties' discovery request or informal production, is not a a waiver of the privilege or protection from discovery in this case or in any other federal or state proceeding, to the maximum extent allowed by Federal Rule of Evidence 502(d).

3. When a producing party gives notice to receiving parties that certain documents, ESI, or information are subject to a claim of privilege or other protection, the obligations of the receiving parties are those set forth in Federal Rule of Civil Procedure 26(b)(5)(B).

  
UNITED STATES MAGISTRATE JUDGE  
DATED: December 12, 2019